IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 11TH DECEMBER 2007 / 20TH AGRAHAYANA 1929

WP(C).No. 36561 of 2007(C)

PETITIONER:

M/S.ASWATHYWUD, CHITTOOR ROAD,
ERNAKULAM, KOCHI-682 835, REPRESENTED BY
PARTNER, K.P.RAJAGOPAL.

BY ADV. SMT.S.K.DEVI

RESPONDENTS:
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1. THE ASST.COMMISSIONER, DEPT. OF
COMMERCIAL TAXES, SPL.CIRCLE I,
ERNAKULAM-682 015.

2. THE DEPUTY COMMISSIONER (APPEALS),
DEPT. OF COMMERCIAL TAXES, ERNAKULAM-682 015.

3. THE INSPECTING ASST. COMMISSIONER,
DEPT. OF COMMERCIAL TAXES, ERNAKULAM-682 030.

BY GOVERNMENT PLEADER SRI.GOVINDAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 36561 OF 2007 C
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Dated this the 11th day of December, 2007

J U D G M E N T

Aggrieved by Ext.P1 order of assessment, petitioner has filed Ext.P2 appeal. Since there were no order of stay was passed in the appeal, demand notice has been issued by Ext.P3 and it is submitted by the petitioner that it has already given a cheque for Rs.22,000/- in partial discharge of the amount that is sought to be recovered by Ext.P3. Petitioner apprehends continuance of further revenue recovery action and it is on this basis, the writ petition has been filed.

2. Having regard to the fact that the Appellate Authority is seized of the matter by Ext.P2 appeal, I dispose of this writ petition itself directing that the 2nd respondent shall consider and pass orders on Ext.P2 appeal, as expeditiously as possible, at any rate within six weeks of receipt of a copy of this judgment.

3. In the meantime, taking into account the fact that the petitioner has already paid Rs.22,000/- by way of cheque dated

5/12/2007, I direct that further proceedings pursuant to Ext.P3 be deferred until the appeal is disposed of as above.

Petitioner shall produce a copy of this judgment before the 2nd respondent for compliance.

Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE.

Rp